

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LORREN CHANDLER,

Plaintiff,

Civil No.

15-1973 (NLH/AMD)

v.

OPINION

DEX MEDIA,
formerly known as
SUPERMEDIA,

Defendant.

APPEARANCES:

LORREN CHANDLER

936 RUTH WAY

DOVER, DE 19904

Appearing *pro se*

ROBIN KOSHY

THERESA DONAHUE EGLER

OGLETREE DEAKINS NASH SMOAK & STEWART PC

10 MADISON AVENUE

SUITE 400

MORRISTOWN, NJ 07960

On behalf of defendant

HILLMAN, District Judge

On October 1, 2015, this Court dismissed plaintiff's employment discrimination claims because they were time-barred. (Docket No. 17, 18.) Because plaintiff was proceeding *pro se*, the Court granted her leave, pursuant to Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc., 482 F.3d 247, 251 (3d Cir. 2007), to file an amended complaint within 30 days. Defendant has filed a motion for reconsideration of the Court's decision to

afford plaintiff the ability to file an amended complaint with regard to purported claims under the Americans with Disabilities Act ("ADA") because those claims are also time-barred. (Docket No. 19.) Plaintiff has not opposed defendant's motion, but has asked the Court for an extension of time to file her amended complaint.¹ (Docket No. 20.)

The Court will grant defendant's motion with regard to plaintiff's ability to reassert employment discrimination claims under the ADA for the same time period as her other dismissed claims because ADA claims alleging disability discrimination in the workplace are subject to the EEOC's exhaustion requirements. Phillips v. Sheraton Soc'y Hill, 163 F. App'x 93, 94 (3d Cir. 2005) (citing 42 U.S.C. § 2000e-5(e)(1); 42 U.S.C. § 12117(a)).

The Court will also grant plaintiff's request for an extension of time to file an amended complaint. Plaintiff shall be afforded 30 more days from the date of this Opinion to file an amended complaint. As the Court reminded her in the prior Opinion, however, plaintiff must be mindful that she should file an amended complaint only if she can do so consistent with Federal Civil Procedure Rule 11.

An appropriate Order will be entered.

Date: November 10, 2015
At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

¹ Plaintiff's request for an extension is due to the death of her father on October 6, 2015.